

CITY OF ROSEBERG

REGULAR COUNCIL MEETING MINUTES

On this the 2nd day of June, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Cynthia McConathy	Mayor
William Benton	Councilor at Large, Position 1
Amanda Barta	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Lynn Moses	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Tonya Palmer	Building Official
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Angela Fritz	Executive Director of Information Services
Randall Malik	Economic Development Director
Kaye Supak	Executive Assistant

CALL TO ORDER.

Mayor McConathy called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Deborah Prihoda, First Assembly of God, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

William Benton, Councilor, presented Rosenberg Image Committee Beautification and Renovation Awards to:

- | | |
|-------------------------------|----------------------|
| ➤ Arturo DeLeon | 1212 Millie Street |
| ➤ Benito and Kristy Garza | 5323 Belvedere Drive |
| ➤ Jose and Maria Martinez | 1501 Louise Street |
| ➤ Discount Auto Care and Tire | 4307 Avenue H |
| ➤ Sonic Drive-In | 1704 Avenue H |

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

- **Genevieve Bowman, 20306 Lost Forest, Guy, Texas 77444**, is very proud of her daughter, Lynn Moses, and wished her luck as the newest City Council member.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

A. CONSIDERATION OF AND ACTION ON REGULAR MEETING MINUTES FOR MAY 19, 2015.

B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-18, AN ORDINANCE GRANTING CONSENT TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 162 (WHICH INCLUDES SUNRISE MEADOW) FOR THE SALE AND ISSUANCE OF UNLIMITED TAX BONDS, SERIES 2015, IN AN AMOUNT NOT TO EXCEED \$2,000,000.

Executive Summary: Included in the agenda packet is Ordinance No. 2015-18 granting the City's consent to Fort Bend County Municipal Utility District No. 162 (MUD No. 162) located within Sunrise Meadow Subdivision, to sell and issue bonds in an amount not to exceed \$2,000,000.

On May 03, 2005, LGI Homes, Ltd., submitted a petition to the City to create a Municipal Utility District that included approximately 305.426 acres located within the Extraterritorial Jurisdiction of the City of Rosenberg, to be known as MUD No. 162. Accordingly, the Petition for Consent and associated Ordinance No. 2005-07 were approved by City Council at that time.

This will be the fourth Unlimited Tax Bond Sale for MUD No. 162:

- The first bond sale was approved by City Council through Ordinance No. 2007-47 on October 16, 2007, in the amount of \$3,495,000.
- The second bond sale for MUD No. 162 (and first sale from the March 03, 2009, Texas Commission on Environmental Quality's (TCEQ) issuance order in the amount of \$2,400,000) was considered and approved by City Council on April 21, 2009, in the amount of \$1,500,000 through Ordinance No. 2009-16.
- The second bond issuance, out of the TCEQ issuance order, provided for the sale of the remaining \$900,000. Accordingly, the remaining issuance in the amount of \$900,000 was considered and approved by City Council on January 19, 2010, through Ordinance No. 2010-03. The two (2) issuances combined to provide for the second total bond sale in the total amount of \$2,400,000.
- The third bond sale was approved by City Council through Ordinance No. 2013-28 on September 17, 2013, in the amount of \$1,600,000.

Submission documentation for this fourth sale: previous bond sale Ordinances, Bond Order authorizing the Issuance of Bonds by MUD No. 162 (Sunrise Meadow), the Preliminary Official Statement/Notice of Sale, reports, and other associated documentation is available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City ordinances. Staff recommends approval of Ordinance No. 2015-18, thus authorizing the fourth bond issue to proceed.

C. **CONSIDERATION OF AND ACTION ON APPROVAL OF THE ISSUANCE OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 (BRAZOS TOWN CENTER WHICH INCLUDES THE RESERVE AT BRAZOS TOWN CENTER) UNLIMITED TAX REFUNDING BONDS, SERIES 2015A, IN AN AMOUNT NOT TO EXCEED \$3,200,000.**

Executive Summary: Fort Bend County Municipal Utility District No. 167 (MUD No. 167) is a development generally identified as Brazos Town Center which includes The Reserve at Brazos Town Center. MUD No. 167 is located within the City's Corporate Limits.

MUD No. 167 has the opportunity to "refund" or "refinance" portions of existing bonds by issuing new bonds at a lower rate of interest than the existing bonds, thus ensuring significant reduction in interest expense for the issuer. Staff has reviewed the request and associated documentation and finds that the refunding to be advantageous to MUD No. 167 and its taxpayers.

City Council consented to the creation of MUD No. 167 on June 28, 2005, through Ordinance No. 2005-14 which was originally proposed as a 121.81 acre development. A Development Agreement between the City and A-S 70 HWY 59-FM762, LP, was executed on December 07, 2004; a Water Supply and Wastewater Services Agreement was executed on December 06, 2005; and an Economic Development Agreement was executed on August 08, 2006. City Council approved Ordinance No. 2006-06 consenting to the addition of 173.8037 acres into MUD No. 167 on April 04, 2006, and Ordinance No. 2007-03 consented to the addition of 118.7858 acres into MUD No. 167 on February 06, 2007, for a total of approximately 414 acres.

Following is a list of Unlimited Tax Bond sales, Tax Road Bond Anticipation Notes, and Road Bond sale that have been previously approved by City Council:

- The first sale of Unlimited Tax Bonds was approved by City Council on July 01, 2008, through Ordinance No. 2008-20 in the amount of \$3,165,000.
- MUD No. 167's Tax Road Bond Anticipation Note was approved by City Council on November 18, 2008, through Ordinance No. 2008-48 in the amount of \$3,560,000.
- A Road Bond sale was approved by City Council on June 16, 2009, through Ordinance No. 2009-19 in the amount of \$7,000,000.
- The Texas Commission on Environmental Quality (TCEQ) issued an order approving the issuance of \$4,120,000 in bonds on September 29, 2010. However, after the tax assessment values were released at that time, MUD No. 167 revised the bond issuance to \$3,000,000. The second Unlimited Tax Bonds sale, in the amount of \$3,000,000, was approved by City Council on November 16, 2010, through Ordinance No. 2010-28, deferring the remaining \$1,120,000 to a future sale.
- The second part of the previous sale of Unlimited Tax Bonds was approved by City Council on April 17, 2012, through Ordinance No. 2012-17 in the amount of \$1,120,000 for a total of the TCEQ approved \$4,120,000.
- The third sale of Unlimited Tax Bonds was approved by City Council on November 20, 2012, through Ordinance No. 2012-43 in the amount of \$3,000,000.
- The fourth sale of Unlimited Tax Bonds was approved by City Council on May 04, 2014, through Ordinance No. 2014-20 in the amount of \$3,725,000.
- The fifth sale of Unlimited Tax Bonds was approved by City Council on April 21, 2015, through Ordinance No. 2015-11 in the amount of \$3,575,000.

While the correspondence reflects an issue in the principal amount of \$2,625,000, the financial advisor for MUD No. 167 is requesting that the City approve an amount not to exceed \$3,200,000, which will accommodate the unpredictability in the market and interest rates. The Preliminary Official Statement, various Ordinances, and other associated documentation were available for review in the City Secretary's Office in advance of the meeting.

Staff recommends approval of the issuance of Fort Bend County Municipal Utility District No.167 Unlimited Tax Refunding Bonds, Series 2015A, in an amount not to exceed

\$3,200,000.

- D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1966, A RESOLUTION ACKNOWLEDGING THE ACQUISITION, BY UTILITY EASEMENT, OF A 20-FOOT WIDE STRIP OF LAND IN THE I. & G. N. RAILROAD COMPANY SURVEY, ABSTRACT 358, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING OVER, THROUGH AND ACROSS A PORTION OF THE RESIDUE OF THAT CERTAIN CALLED 95.5 ACRE TRACT RECORDED IN VOLUME 2002, PAGE 1972 AND PAGE 1978, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS, CONTAINING 0.856 ACRES OF LAND, MORE OR LESS, AND GENERALLY LOCATED BETWEEN BAMORE ROAD AND NORTH FAIRGROUNDS ROAD, AND ASSOCIATED WITH THE RELOCATION OF UTILITY LINES NECESSARY TO ACCOMMODATE THE US HWY 59/I-69 EXPANSION PROJECT.**

Executive Summary: As a part of the US Hwy 59/I-69 expansion project, the Texas Department of Transportation (TxDOT) acquired additional road right-of-way that encroached over an existing City of Rosenberg (City) Utility Easement containing a sanitary sewer line between Bamore Road and North Fairgrounds Road. In order to eliminate the encroachment conflict with the sanitary sewer line and proposed road expansion, the City has acquired a replacement utility easement which is adjacent and parallel to the newly acquired TxDOT right-of-way. The City will install a new sanitary sewer line in the replacement utility easement so that the existing easement and sewer line can be abandoned. As a result of the Interstate designation, the City will be fully reimbursed by TxDOT for the expenses related to the utility easement acquisition and sewer line construction.

Staff has successfully completed the negotiation and has acquired said Utility Easement. Accordingly, staff recommends approval of Resolution No. R-1966 providing for acceptance of said Utility Easement generally located between Bamore Road and North Fairgrounds Road, and associated with the relocation of utility lines to accommodate the US Hwy 59/I-69 Expansion Project.

- E. **CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF BRIDLEWOOD ESTATES, SECTION ONE PARTIAL REPLAT ONE, BEING REPLAT OF LOT 30 & 31, BLOCK 9, BRIDLEWOOD ESTATES, SECTION ONE (1), AS RECORDED IN SLIDE NO. 1560/A & B, 1561/A & B AND 1562/A & B, OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS; BEING A SUBDIVISION OF 4.464 ACRES LOCATED IN THE WILEY MARTIN LEAGUE, A-56 FORT BEND COUNTY, TEXAS.**

Executive Summary: The Short Form Final Plat of Bridlewood Estates Section One Partial Replat One is a proposed replat consisting of 4.464 acres and one (1) lot. The property is located on the cul-de-sac of Waterwalk Court and is centrally located in Bridlewood Estates. Specifically, it is in Section One, which was originally platted in 1997.

The purpose of this replat is simply to combine two (2) existing lots into one (1) so the property owner can construct a single residence that does not result in any encroachments on existing lot lines. The replat will also result in the relocation of easements. Acceptable documentation has been provided that the applicable entities for these easements, the Fort Bend County Drainage District and Quadvest Water Utility, do not object to the proposed replat.

Because this is a replat of a previous subdivision, a public hearing was required per state law and the City's "Subdivision" Ordinance. The required hearing was held at the May 20, 2015 Planning Commission Meeting. Following the hearing, the Commission recommended approval to City Council of the Short Form Final Plat of Bridlewood Estates Section One Partial Replat One.

- F. **CONSIDERATION OF AND ACTION ON QUARTERLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2015.**

Executive Summary: Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actual. The largest revenues of sales tax

and property tax are positive when compared to budget and expenses are within the 50% benchmark for the second quarter of FY2015.

Staff will continue to monitor the revenues and expenses. At this time, no major changes need to be made to meet budget projections. Additionally, the Quarterly Investment Report is included for your review as required by the Public Funds Investment Act.

Staff recommends the acceptance of the Quarterly Financial Reports and the Investment Report for the second quarter of Fiscal Year 2015.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to approve Consent Agenda Items A, B, C, D, E, and F. The motion carried by a unanimous vote.

REGULAR AGENDA

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1976, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT FOR THE COLLECTION OF TAXES, BY AND BETWEEN THE CITY AND FORT BEND COUNTY, TEXAS, FOR A PERIOD ENDING ON JUNE 30, 2016.**

Executive Summary: The City of Rosenberg has previously contracted with the Fort Bend County Tax Assessor/Collector, Patsy Schultz, for tax collection services. Fort Bend County has requested the City execute an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes, to extend the existing agreement for another year through June 30, 2016.

The Amendment extending tax collection services with Fort Bend County is attached to Resolution No. R-1976 as Exhibit "A". Staff recommends approval of Resolution No. R-1976, a Resolution authorizing the City Manager to execute an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes with Fort Bend County as the City's Tax Assessor/Collector.

Key Discussion Points: Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary and explained that this agreement is necessary, as the City no longer has an in-house tax assessor-collector.

Action: Councilor Benton made a motion, seconded by Councilor Euton, to approve Resolution No. R-1976, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes, by and between the City and Fort Bend County, Texas, for a period ending on June 30, 2016. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1978, A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE UNCOLLECTED MUNICIPAL COURT FEES AND COURT COSTS IN THE AMOUNT OF \$8,394.80 FOR DECEASED DEFENDANTS.**

Executive Summary: The Municipal Court Administrator and City Prosecutor have identified several accounts of deceased defendants where the court fees and court costs can no longer be collected. Since these cases have not been dismissed by the presiding judge, the City Prosecutor requested that the City Council authorize the City Manager to waive the municipal court fees and court costs for these cases in the amount of \$8,394.80. This will allow the Court Administrator to remove the cases and allow the Finance Department to remove the corresponding receivable to better reflect the financial position of the City.

Staff recommends approval of Resolution No. R-1978 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary and stated that it is the discretion of the Judge not to waive these fees.

Action: Councilor Euton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1978, a Resolution authorizing the City Manager to waive uncollected municipal court fees and court costs in the amount of \$8,394.80 for deceased defendants. The motion carried by a unanimous vote.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1977, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-10 IN THE AMOUNT OF \$936,702 FOR ROSENBERG DEVELOPMENT CORPORATION PROFESSIONAL SERVICES FEES, PURCHASE OF WATER AND REPLACEMENT OF A POLICE VEHICLE.**

Executive Summary: Budget Amendment 15-10, in the amount of \$936,702 for the following items:

1. Increase to the RDC Outside Professional Services budget for additional legal and engineering services relative to the pending lawsuit and increased activity in development agreements.
2. Addition of a line-item to purchase water in accordance with the Agreement between the City of Rosenberg and the Brazosport Water Authority.
3. Increase the allocation for vehicles to include the purchase of a replacement vehicle for a Police Department vehicle that was wrecked.

Budget Amendment 15-10 is included as Exhibit "A" to Resolution No. R-1977. Staff recommends approval of Resolution No. R-1977 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary and answered a few general questions. Scott M. Tschirhart, City Attorney, explained to Council that the portion of the budget increase for legal services may be recoverable from the defendant, and assured Council that he is trying to recover all costs.

Action: Councilor Barta made a motion, seconded by Councilor Grigar, to approve Resolution No. R-1977, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 15-10 in the amount of \$936,702 for Rosenberg Development Corporation professional services fees, purchase of water and replacement of a police vehicle. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1970, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A CONTRACT EXTENSION, BY AND BETWEEN THE CITY AND AMEGY BANK OF TEXAS, FOR THE PROVISION OF BANKING SERVICES FOR A PERIOD OF ONE (1) YEAR, EFFECTIVE JULY 01, 2015, AND ENDING JUNE 30, 2016.**

Executive Summary: On June 15, 2010, City Council awarded the Bank Depository Service Contract (Contract) to Amegy Bank of Texas under Resolution No. R-1162, for a five (5) year term, effective July 1, 2010, and ending June 30, 2015, with an option to extend the Contract for one (1) additional year.

The City and Amegy Bank of Texas have had a good working relationship for the past five (5) years and staff recommends extending the Contract for one additional year. In 2016, the Finance Department will be issuing a request for proposal for banking services.

Should City Council wish to review Resolution No. R-1162, the document was made available in the City Secretary's office in advance of the meeting.

The Contract Extension is included as Exhibit "A" to Resolution No. R-1970. Staff recommends approval of Resolution No. R-1970 as presented.

Key Discussion Points: Joyce Vasut read the Executive Summary and stated that the City has three bank accounts with Amegy and Rosenberg Development Corporation has one account. This extension will allow time for the City to request proposals in order to sign a new five year contract.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to approve Resolution No. R-1970, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Contract Extension, by and between the City and Amegy Bank of Texas, for the provision of banking services for a period of one (1) year, effective July 01, 2015, and ending June 30, 2016. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1975, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERLOCAL AGREEMENT FOR RECONSTRUCTION OF AIRPORT AVENUE FROM LOUISE STREET TO GRAEBER ROAD (2013 MOBILITY BOND PROJECT NO. 13103), BY AND BETWEEN THE CITY AND FORT BEND COUNTY.**

Executive Summary: In 2013, the citizens of Fort Bend County approved mobility project bonds for certain infrastructure improvements within Fort Bend County. The City of Rosenberg was allocated \$2,200,000 or fifty percent (50%) of construction costs (whichever amount is the lesser) for improvements to Airport Avenue – Phase II (Louise Street to Graeber Road). Fort Bend County has provided the attached Interlocal Agreement to formalize the funding allocation.

The improvements will continue to transform the existing two-lane asphalt road with open ditches into a three-lane concrete curb and gutter roadway with a continuous center left turn lane, sidewalk and underground storm drainage system. Water and sanitary sewer lines will also be replaced as required. The construction cost is currently estimated at \$4.3 million. The City of Rosenberg 2014A Certificates of Obligation allocated \$2,300,000 toward the engineering and construction costs. A copy of the FY2015 Capital Improvement Project – Airport Avenue Phase II Project Summary is included in the agenda packet.

Staff recommends approval of Resolution No. R-1975, a Resolution authorizing the Mayor to execute the Interlocal Agreement regarding the allocation of 2013 Fort Bend County mobility project funds for improvements to Airport Avenue (Louise Street to Graeber Road). The Agreement will serve as Exhibit "A" to Resolution No. R-1975.

Key Discussion Points: John Maresh, Assistant City Manager of Public Services, read the Executive Summary. The engineering should be completed around July, followed by a bid process, so construction should begin late Fall.

Action: Councilor Benton made a motion, seconded by Councilor Grigar, to approve Resolution No. R-1975, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Interlocal Agreement for Reconstruction of Airport Avenue from Louise Street to Graeber Road (2013 Mobility Bond Project No. 13103), by and between the City and Fort Bend County. The motion carried by a unanimous vote.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1979, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AMENDED AND RESTATED ROAD IMPROVEMENT AGREEMENT, BY AND BETWEEN THE CITY AND LGI HOMES - TEXAS, LLC.**

Executive Summary: LGI Homes is the current owner and developer of the remaining undeveloped property in the Trails at Seabourne Parke. Per Resolution No. R-1762, approved on March 04, 2014, they have assumed from the previous developer all rights and responsibilities under the Water Supply and Wastewater Services Contract for Fort Bend County Municipal Utility District No. 147, dated April 20, 2004.

The development is generally located south of J. Meyer Road between State Highway 36 and FM 2218. Recordation of plats in the development last occurred in 2005. They are currently building on existing lots platted by the previous developer and are requesting to plat additional lots on which to build.

Prior to the current developer, development of the property was subject to the provisions of a "Road Improvement Agreement" dated November 27, 2007. Because that Agreement no longer accurately represents the conditions of J. Meyer Road, the Agreement must be amended before any additional sections are developed. The Acknowledgement and Assignment of Rights (Resolution No. R-1762) addressed this issue, hence the proposed modified Agreement. This Agreement is needed before the Final Plat of the Trails at Seabourne Parke Section Two can be approved.

The proposed Agreement generally provides for the following improvements to be made by the developer to J. Meyer Road:

- Remove and replace failed pavement/base areas

- Widening of pavement to provide left turn lanes at Silver Stone Lane and Park Thicket Lane
- Overlay the entire widened road section for the defined limits of work
- Restripe the road and replace existing signage
- Reconnect all existing road and driveways to the new road
- Make drainage modifications as necessary

This Agreement, included with Resolution No. R-1979 as Exhibit "A", has been reviewed by the City Attorney and by the City Engineer, and the proposed improvements have been found to be sufficient to facilitate future development of the property. Therefore, staff recommends approval of Resolution No. R-1979.

Key Discussion Points: Travis Tanner, Executive Director of Community Development presented a brief overview of the item. Staff and Council believe that the new developer has corrected some of the previous issues with Code Enforcement violations and construction debris matters.

Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Resolution No. R-1979, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Amended and Restated Road Improvement Agreement, by and between the City and LGI Homes - Texas, LLC. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE TRAILS AT SEABOURNE PARKE SECTION TWO, A SUBDIVISION OF 22.691 ACRES LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147); 108 LOTS, 6 BLOCKS.**

Executive Summary: The Final Plat of The Trails at Seabourne Parke Section Two consists of approximately 22.691 acres and 108 residential lots. It is located south of J. Meyer Road and off of Heath Ridge, Oak Briar, and Cottage Creek Lanes, immediately southwest of The Trails at Seabourne Parke Section One. The Plat is within the City Limits and located in Fort Bend County MUD No. 147.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size. The Land Plan was approved before the current standards relating to lot size. The Plat conforms to the approved Land Plan dated June 2003 (see attached). Recordation of plats in this development last occurred in 2005. The development was recently assigned to a new developer, LGI Homes, that wishes to develop in accordance with the previously approved Land Plan. A Plat of this subdivision was approved by the Planning Commission and City Council in 2006 and 2007, but was never subsequently recorded and therefore expired, hence the new Plat submittal.

There are no apparent conflicts with applicable regulations or with the original Land Plan. In addition to the Utility Agreement and Land Plan, this Plat/development is subject to a Road Improvement Agreement related to improvements to J. Meyer Road that, due to conditions that have changed over the last several years since platting last occurred, must be modified to address needed road improvements before any infrastructure permits are released for the subdivision. This Agreement shall be in place prior to Final Plat approval by City Council. The Agreement was placed as an earlier item on the agenda to address this requirement. Staff recommends approval of the Final Plat of The Trails at Seabourne Parke Section Two. The Planning Commission recommended approval to City Council of the Plat on April 15, 2015, contingent on the Agreement first being approved.

Key Discussion Points: Travis Tanner presented a brief overview of the item as a continuation of the previous item. There was concern expressed regarding the smaller size of the lots, the smaller rights-of-way, and increased parking on the streets, but the original agreement was passed in 2003, so the development is vested under the previous ordinances. These concerns will be expressed to the developer, and reflected in future contracts and discussions with developers.

Action: Councilor Barta made a motion, seconded by Councilor Euton, to approve a Final Plat of The Trails at Seabourne Parke Section Two, a subdivision of 22.691 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 147); 108 lots, 6 blocks. The motion carried by a unanimous

vote.

9. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-19, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING DIVISION 3 OF ARTICLE II OF CHAPTER 16 THEREOF ENTITLED "GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES"; PROVIDING FOR THE REGULATION OF GAME ROOMS AND THE USE OF "AMUSEMENT REDEMPTION MACHINES"; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Executive Summary: City Council adopted an Ordinance No. 2013-42 for the licensing and regulation of game rooms and the use of "amusement redemption machines" on November 05, 2013. After further review and implementation of the Ordinance for more than a year, staff is recommending further revisions and strengthening of the Ordinance to limit future locations of game rooms in areas with the potential to have a negative impact on the City and its residents.

Specifically, the distance requirements in Ordinance No. 2015-19 have been amended to restrict game rooms from establishing within a certain proximity to residences and City parks (similar to other City ordinances for salvage yards and alcoholic beverage sales, for example). Additionally, the distance requirements from places where alcohol is served or consumed have been amended to include places where alcoholic beverages are sold in any capacity.

Staff recommends approval of Ordinance No. 2015-19 as presented.

Key Discussion Points: Scott Tschirhart, City Attorney, gave the background of the item and explained the proposed modifications, including the consumption of alcoholic beverages and a 300 foot restriction in accordance with TABC guidelines.


Action: Councilor Benton made a motion, seconded by Councilor Barta, to approve Ordinance No. 2015-19, an Ordinance amending the Code of Ordinances by amending Division 3 of Article II of Chapter 16 thereof entitled "Game Rooms and Amusement Redemption Machines"; providing for the regulation of game rooms and the use of "amusement redemption machines"; providing a penalty for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for an effective date. The motion carried by a unanimous vote.

10. **ANNOUNCEMENTS.**

- Early Voting for the District 3 Runoff Election is currently underway at the Fort Bend County Rosenberg Annex, with Election Day on June 13, 2015, at Rosenberg City Hall.

11. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 7:54 p.m.


Linda Cernosek, TRMC, City Secretary